

Docket No.: T3201.0047
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuhiro Koyama

Application No.: 10/552,398

Confirmation No.: 4835

Filed: March 19, 2004

Art Unit: 2624

For: MOVING PICTURE
COMPRESSION/ENCODING METHOD
CONVERSION DEVICE AND MOVING
PICTURE COMMUNICATION SYSTEM

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

- This IDS is being filed before the First Office Action¹.

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

- This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².
- This IDS is being filed after the issuance of a Final Office Action, Ex Parte Quayle Action or Notice of Allowance but before the payment of the Issue Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application less than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

- If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- A legible copy⁴ of each document (or relevant portion thereof) cited in the attached PTO/SB/08, except for U.S. patent and U.S. published applications.
- With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached.

This concise explanation is provided by way of:

- A translation of the relevant portions of the non-English language information⁵;

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) requires that an English language translation be provided when a translation of the document, or portion thereof, "is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c)."

- A statement explaining the relevant portions of the non-English language information;
- A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application (Japanese Office Action, dated) July 20, 2010, in which the information was cited; or
- This information is contained in the specification of the present application.
- In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. , filed , which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: August 13, 2010

Respectfully submitted,

Electronic Signature: /Richard LaCava/
Richard LaCava

Registration No.: 41,135
DICKSTEIN SHAPIRO LLP
1633 Broadway
New York, New York 10019-6708
(212) 277-6500
Attorney for Applicant

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

特許出願理由通知書

特許出願の番号	特願2005-505346
起案日	平成22年 7月13日
特許庁審査官	古市 徹 3053 5C00
特許出願人代理人	高橋 勇 様
適用条文	第29条第2項、第36条

<<< 最 後 >>>

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から60日以内に意見書を提出してください。

理 由

理由A

この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第2号に規定する要件を満たしていない。

記

(1) 請求項3には「前記DCT器、前記量子化器および前記可変長符号化器は、前記符号化タイプ制御情報に基づいて、符号化タイプ制御情報を受け取った直後の最初のフレームに対してフレーム内符号化を行うように動作を変更すること」という記載があるが、符号化タイプ制御情報はこの記載以前には記載されておらず前記の意味するところが不明確である。

(2) 請求項4には「前記復号化部」という記載があるが、復号化部はこの記載以前には記載されておらず前記の意味するところが不明確である。

(3) 請求項4には「前記可変長復号化器、前記逆量子化器および前記逆DCT器は、前記符号化ツール制御情報に応じて動作を変更する、或いは受信符号化ビットストリームから得られた圧縮符号化のパラメータと前記符号化ツール制御情報とを比較し、差異がある場合には受け取った符号化ツール制御情報に応じて動作を変更すること」という記載があるが、当該記載の意味する技術的意義が不明である。

差異の有無に関わらず、符号化ツール制御情報の内容に沿って動作を変更することになるのではないと思われるが、発明の詳細な説明を確認しても請求項4の記載以上の説明はなく、ストリームからのパラメータと符号化ツール制御情報とを比較することの技術的意義を見出せない。

よって、請求項3及び4に係る発明は明確でない。

理由B

この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

請求項：1～9

引用文献：1

備考：

引用文献1には、トランスコーディングを行うデータアクセスサーバにおいて、受信端末からのクライアント情報信号に基づいて再符号化を行うものであって、コンテンツサーバからのコンテンツ情報信号に基づいて復号化を行うことが記載（【0005】～【0033】及び【0069】～【0096】並びに【図1】、【図2】、【図4】及び【図7】参照）されている。

そして、引用文献1のデータアクセスサーバにおいて、制御情報が入力されると符号化動作を開始させるようにすることは当業者が適宜為し得ることであるし、動作開始後の最初のフレームに対してフレーム内符号化を行わせるようにすることは符号化の際に当業者が通常行うことである。

引用文献等一覧

1. 特開2002-044622号公報

整理番号:

発送番号:508276 発送日:平成22年 7月20日

3/E

この拒絶理由通知は、最初の拒絶理由通知に対する応答時の補正によって通知することが必要になった拒絶理由のみを通知するものである。

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら下記までご連絡下さい。

特許審査第四部 映像機器 古市 徹

TEL. 03(3581)1101 内線 3539 FAX. 03(3501)0715

- Claims: 1-9
- Reference Document, etc: 1
- Remark:

Reference Document 1 depicts a data access server for performing transcoding operation, with which re-encoding is performed based on a client information signal from a receiving terminal, and decoding is performed based on a content information signal from a content server (see paragraphs [0005]-[0033], [0069]-[0096], FIGS. 1, 2, 4, and 7).

A person skilled in the art could have appropriately configured the data access server in the Reference Document 1 such that the coding operation starts when control information is inputted, and a person skilled in the art could have normally configured it such that, at the time of coding, the intra-frame coding is performed to a first frame after starting the operation.

List of Reference Document, etc.

1. Official Publication of Toku Kai 2002-044622